

REMARKS

By this amendment, claims 1-31 are pending, in which claim 1 is amended to correct a grammatical error. No new matter is introduced, and entry of this amendment is proper after final rejection.

The final Office Action mailed December 4, 2002 rejected claims 1-2, 6-7, 9-11, and 13-15 as obvious under 35 U.S.C. § 103 based on *Schulzrinne et al.* ("Interaction of Call Setup and Resource Reservation Protocol in Internet Telephony," June 15, 1999) in view of *Gutman et al.* (US 6,298,383), claims 3-5 over *Schulzrinne et al.* and *Gutman et al.* further in view of *Eriksson et al.* ("SIP Telephony Gateway on DTM," July 2, 1999), and claims 8 and 12 over *Schulzrinne et al.* and *Gutman et al.* further in view of *Boyle et al.* ("The COPS (Common Open Policy Service) Protocol," August 16, 1999). Claims 16-31 are allowed.

This rejection is respectfully traversed because the applied references do not teach the features of the claims. For example, independent claim 1 recites (emphasis added):

1. (Once Amended) A method of providing Internet Protocol (IP) communications over at least one network with Quality of Service (QoS), comprising the steps of:
 - initiating a communication session between at least one first end client device and at least one second end client device; and
 - in response to initiating the communication session, performing the steps of:**
 - providing information to at least one server of the communication session, said information including at least one of resource usage, policy, authorization, authentication, and accounting information;
 - providing the information to at least one router of the communication session for enabling a Quality of Service policy in session packets arriving at the router;** and
 - establishing a communication session between said at least one first end client device and said at least one second end client device.

The Office Action does not rely on *Gutman et al.* for the highlighted feature and properly so. *Gutman et al.*, fails to disclose providing any information to a router; rather, *Gutman et al.*

merely discloses that this information is used for selecting whether to use a local AAA server or a remote AAA server (see FIG. 11 and accompanying text).

Schulzrinne et al. also does not disclose providing the recited information to a router “in response to initiating the communication session.” *Schulzrinne et al.* merely states that “the RSVP packets are simply ignored by backbone routers” (p. 3, footnote omitted) and that “the egress router has to determine where the next router is located that would like to see the resource reservation packet” (p. 3). There is no teaching of what information the backbone or egress routers are provided with nor when that information is supposed to be provided to the router.

Despite the lack of any explicit details on how the routers work in *Schulzrinne et al.*, the Office Action contends that “the ‘egress router’ would have some resource information sent to it to determine the reserved path.” This speculation falls far short of a factual basis for the rejection for at least two reasons. First, there is no indication that, whatever information is sent to the egress router to determine the reserved, it is sent “in response to initiating the communication session” as set forth in claim 1. Second, there is no necessity for the egress router to use the recited “resource usage” to make its routing decision, as there are various other ways that do not use the recited information in which the routing can occur, e.g. a bit in a table that indicated that RSVP is supported, defaulting to the next hop, round robin scheduling, etc. Thus, even under the principles of inherency, there is no basis to reject the claim since the prior art must *necessarily* function in accordance with, or include, the claim limitations *MEHL/Biophile Int'l.*, 52 USPQ2d 1303 (Fed. Cir. 1999), and this is not the case.

Dependent claims 2-15 are allowable for at least the same reasons as claim 1 and because the remaining references of record, *Eriksson et al.* and *Boyle et al.*, also fails to disclose “providing the information to at least one router of the communication session for enabling a

Quality of Service policy in session packets arriving at the router" made "in response to initiating the communication session."

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

DITTHAVONG & CARLSON, P.C.

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Date



Stephen O. Carlson
Attorney/Agent for Applicant(s)
Reg. No. 39929

10507 Braddock Road
Suite A
Fairfax, VA 22032
Tel. 703-425-8516
Fax. 703-425-8518

APPENDIX

1. (Twice Amended) A method of providing Internet Protocol (IP) communications over at least one network with Quality of Service (QoS), comprising the steps of:

initiating a communication session between at least one first end client device and at least one second end client device; and

in response to initiating the communication session, performing the steps of:

providing information to at least one server of the communication session, said information [include] including at least one of resource usage, policy, authorization, authentication, and accounting information;

providing the information to at least one router of the communication session for enabling a Quality of Service policy in session packets arriving at the router; and

establishing a communication session between said at least one first end client device and said at least one second end client device.